

**WHAT IS CLAIMED IS:**

1. A transmission rate controller for controlling a data transmission rate between a transmitting terminal and a receiving terminal, comprising:

5 a band estimation section for estimating an available transmission band in a communication path between the transmitting terminal and the receiving terminal;

10 a band management section for setting an upper limit of a band to be used by each TCP session by allocating the available transmission band to each of TCP sessions between the transmitting terminal and the receiving terminal; and

15 a transmission rate management section for limiting a data transmission rate associated with each TCP session according to the preset upper limit of the band to be used.

2. A transmission rate control method for controlling a data transmission rate between a transmitting terminal and a receiving terminal, comprising the steps of:

20 estimating an available transmission band in a communication path between the transmitting terminal and the receiving terminal;

25 setting an upper limit of a band to be used by each TCP session by allocating the available transmission band to each of TCP sessions between the transmitting terminal and the receiving terminal; and

